

FIFTY-SECOND DAY
(Tuesday, April 10, 1973)

The Senate met at 10:00 o'clock a.m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present: Adams, Aikin, Andujar, Blanchard, Braecklein, Brooks, Clower, Creighton, Gammage, Harrington, Harris, Herring, Hightower, Jones, Kothmann, Longoria, Mauzy, McKinnon, McKnight, Meier, Mengden, Moore, Ogg, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger and Wolff.

Absent-excused: Wallace.

A quorum was announced present.

The Reverend Bernard Hamilton, Trinity Evangelical Free Church of Austin, offered the invocation as follows:

Almighty God, when we invoke Your authority over the business these Senators shall conduct today, we are eager that righteousness prevail, that godliness be chosen over good. Provoke these who represent the people of this great state to preserve the dignity of man whom You made in Your own image. Let the eyes of their understanding see Your wisdom opening to them. We thank you for this day in Jesus name. Amen.

On motion of Senator Aikin and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

LEAVE OF ABSENCE

Senator Wallace was granted leave of absence for today on account of important business on motion of Senator Meier.

REPORTS OF STANDING COMMITTEES

Senator Aikin submitted the following report for the Committee on Finance:

S.B. 482

Senator Moore submitted the following reports for the Committee on State Affairs:

S.B. 839

S.B. 880

S.B. 772

S.B. 390

C.S.S.B. 721 (Read first time)

Senator Brooks submitted the following reports for the Committee on Human Resources:

S.B. 558

S.B. 688 (Amended)

C.S.S.B. 66 (Read first time) (Again reported)

H.B. 300

S.B. 863 (Amended)

Senator Traeger, Vice-Chairman, submitted the following reports for the Committee on Intergovernmental Relations:

S.C.R. 45
C.S.S.B. 722 (Read first time)
C.S.S.B. 520 (Read first time)
S.B. 138 (Amended)
S.B. 786
S.B. 502
S.B. 467
S.B. 859
S.B. 384

BILLS SIGNED

The President announced the signing in the presence of the Senate after the caption had been read, the following enrolled bills:

S.B. 332
S.B. 229
S.B. 459
S.B. 228
S.B. 479

S.B. 222 (Signed subject to Article III, Section 49a of the Constitution of the State of Texas)

S.B. 242

MESSAGE FROM THE HOUSE

Hall of the House of Representatives
Austin, Texas, April 10, 1973

Honorable William P. Hobby
President of the Senate

Sir: I am directed by the House to inform the Senate that the House has passed the following:

The House refused to concur in Senate amendments to H.B. 10 and has requested the appointment of a Conference Committee to consider the differences between the two Houses. House Conferees: Allred, Allen of Harris, Jones of El Paso, Garcia and McAlister.

H.B. 158, A bill to be entitled An Act revising and amending provisions relating to licenses and license fees issued by the Parks and Wildlife Department; amending Sections 1 and 2, Chapter 370, Acts of the 55th Legislature, Regular Session, 1957, as amended (Article 895c, Vernon's Texas Penal Code), relating to hunting licenses; amending Section 1, Chapter 239, Acts of the 55th Legislature, Regular Session, 1957, as amended (Article 4032b-1, Vernon's Texas Civil Statutes), relating to fishing licenses; amending Section (g), Article 908, Penal Code of Texas, 1925, as amended, relating to shooting preserves and shooting resorts; amending Section 1, Chapter 96, General Laws, Acts of the 43rd Legislature, Regular Session, 1933 (Article 978k, Vernon's Texas Penal Code), relating to game breeders; amending Section 2(c), Chapter 299, Acts of the 45th Legislature, Regular Session, 1937, as amended (Article 923qa, Vernon's Texas Penal Code), relating to the taking and possession of furbearing animals; amending Section 9, Chapter 177, General Laws, Acts of the 39th Legislature, Regular Session, 1925 (Article 923q, Vernon's Texas Penal Code), relating to dealers in live furbearing animals; amending Article 903, Penal Code of Texas, 1925, relating to hunting guides;

amending Section 3, Chapter 29, Acts of the 43rd Legislature, 1st Called Session, 1933, as amended (Article 934a, Vernon's Texas Penal Code), relating to commercial fishing; amending Subsections (a) and (c) of Section 5, Subsection (a) of Section 7, Section 9, Subsection (a) of Section 10, and Subsection (b) of Section 11, Texas Shrimp Conservation Act, as amended (Article 4075b, Vernon's Texas Civil Statutes), relating to shrimp licenses; amending Section 4 and Subsections (a) and (b), Section 6a, Chapter 14, Acts of the 52nd Legislature, 1951 (Article 934c, Vernon's Texas Penal Code), relating to menhaden fish; amending Section 2, Chapter 471, Acts of the 62nd Legislature, Regular Session, 1971 (Article 962a, Vernon's Texas Penal Code), relating to taking oysters; amending Section 2, Chapter 119, Acts of the 55th Legislature, Regular Session, 1957 (Article 978k-1, Vernon's Texas Penal Code), relating to the commercial game breeder's license; providing an effective date; and declaring an emergency.

Respectfully submitted,
DOROTHY HALLMAN
 Chief Clerk, House of Representatives

SENATE BILLS ON FIRST READING

By unanimous consent, the following bills were introduced, read first time and referred to the Committee indicated:

By Senator Hightower:

S.B. 895, A bill to be entitled An Act relating to the State-owned buildings, grounds and property maintained by the State Board of Control; amending Article 665, Revised Civil Statutes of Texas, 1925, as amended; and declaring an emergency.

To Committee on State Affairs.

By Senator Hightower:

S.B. 896, A bill to be entitled An Act authorizing the State Board of Control to provide services of typewriter and business machine repair and central mail delivery and messenger service when such services can be utilized to provide economy and efficiency in State government; authorizing the establishment of revolving funds to provide for payment and reimbursement for supplies, materials and equipment utilized in providing such services; authorizing the transfer of agency funds to reimburse the revolving funds used for the services established by this Act; prescribing a severability provision; repealing all laws in conflict; and declaring an emergency.

To Committee on State Affairs.

By Senators Blanchard, Mauzy and Harris:

S.B. 897, A bill to be entitled An Act amending Article 5.03 of the Insurance Code; providing that insurers shall not issue or renew motor vehicle insurance policies at premium rates greater or lesser than those rates approved by the Board as just, reasonable and adequate for the risk to which they respectively apply, with certain exceptions; providing exceptions and the procedures whereby insurers may obtain Board approval to write motor vehicle insurance at lesser rates and greater rates; setting up procedures for the revocation, suspension and automatic termination of such approved lesser or greater rates; containing a severance clause; providing for control of conflicts with other laws; and declaring an emergency.

To Committee on Economic Development.

By Senator Herring:

S.B. 898, A bill to be entitled An Act relating to the creation of the 253rd Judicial District composed of Caldwell, Comal and Hays Counties; prescribing in addition to its jurisdiction as a district court special

jurisdiction over the county courts in said counties; amending Subchapter C, Judicial Districts Act of 1969, as amended (Article 199a, Vernon's Texas Civil Statutes), by adding Section 3.049; and declaring an emergency.

To Committee on Jurisprudence.

By Senator Herring:

S.B. 899, A bill to be entitled An Act relating to membership, service, funding and benefits of the Employees Retirement System of Texas; amending Subsections A, C and E of Section 3; amending Subsection F of Section 4; consolidating and amending Subsections G, G-1 and G2, by substituting therefor a new Subsection G; amending Subsection H of Section 4 as enacted by Ch. 1041, Acts 1971, 62nd Leg. R.S.; repealing Subsection H of Section 4 as enacted by Ch. 1041, Acts 1971, 62nd Leg. R.S., repealing Subsection J of Section 4 as enacted by Ch. 885, Acts 1971, 62nd Leg. R.S.; amending Subsections A, B and E2 of Section 5; amending Section 5-1; of the Employees Retirement Act as enacted by Chapter 352, Acts of the 50th Legislature, Regular Session, 1947, (codified as Article 6228a, Vernon's Civil Statutes of Texas) as amended; providing an effective date; providing a savings clause; repealing conflicting laws; and declaring an emergency.

To Committee on State Affairs.

By Senator Sherman:

S.B. 900, A bill to be entitled An Act relating to the local fund assignment of certain school districts for support of the Foundation School Program; amending Subsection (b), Section 16.76, Texas Education Code, as amended; and declaring an emergency.

To Committee on Education.

By Senator Sherman:

S.B. 901, A bill to be entitled An Act creating and establishing a laboratory of the Texas Veterinary Medical Diagnostic Laboratory to be located by the Board of Directors of the Texas A and M University System in Randall County on land made available to or acquired by the Board; authorizing the equipping of the laboratory building and related animal building; appropriating funds therefor; and declaring an emergency.

To Committee on State Affairs.

By Senator Santiesteban:

S.B. 902, A bill to be entitled An Act relating to civil service systems for housing authorities; and declaring an emergency.

To Committee on Intergovernmental Relations.

By Senator Santiesteban:

S.B. 903, A bill to be entitled An Act relating to participation in the Texas County and District Retirement System and to vesting of the service retirement allowance of county and district employees; amending Subsection 2(e), Section 3, and Subsection 4, Section 7, Chapter 127, Acts of the 60th Legislature, Regular Session, 1967, as amended (Article 6228g, Vernon's Texas Civil Statutes); and declaring an emergency.

To Committee on Intergovernmental Relations.

By Senator Moore:

S.B. 904, A bill to be entitled An Act relating to the regulation of air carriers; amending Subdivision 3 of Section 6, Chapter 344, Acts of the 49th Legislature, Regular Session, 1945, as amended (Article 46c-6, Vernon's Texas Civil Statutes); and declaring an emergency.

To Committee on State Affairs.

By Senators Braecklein and Schwartz:

S.B. 905, A bill to be entitled An Act relating to the outdoor

advertising of alcoholic beverages; amending Subsections 2 and 4, Section 24a, Article II, Texas Liquor Control Act, as amended (Article 667-24a, Vernon's Texas Penal Code); and declaring an emergency.

To Committee on State Affairs.

By Senator Harrington:

S.B. 906, A bill to be entitled An Act relating to the power of the district court to charge certain costs against the defendant in certain proceedings; amending Section 25, Uniform Reciprocal Enforcement of Support Act (Article 2328b-4, Vernon's Texas Civil Statutes); and declaring an emergency.

To Committee on Jurisprudence.

HOUSE BILL ON FIRST READING

The following bill received from the House, was read the first time and referred to the Committee indicated:

H.B. 158, To Committee on Natural Resources.

SENATE CONCURRENT RESOLUTION 80

Senator McKnight offered the following resolution:

S.C.R. 80, Inviting Senator Lloyd Bentsen to address a Joint Session of the Legislature at 11:30 o'clock a.m. Monday, April 16, 1973.

On motion of Senator McKnight and by unanimous consent, the resolution was considered immediately and was adopted.

MESSAGE FROM GOVERNOR

The following Message from the Governor was read and referred to the Committee on State Affairs, Sub-Committee on Nominations:

Austin, Texas

April 9, 1973

TO THE SENATE OF THE SIXTY-THIRD LEGISLATURE, REGULAR SESSION:

I ask the advice, consent and confirmation of the Senate with respect to the following appointment:

To be a Member of the Commission on Services to Children and Youth:

For a six-year term to expire January 31, 1979:

Mrs. Henry (Nancy) Ewald of Seguin, Guadalupe County, to replace Mr. Louis R. Escareno of San Antonio, Bexar County, whose term expired.

Respectfully submitted,
DOLPH BRISCOE
Governor of Texas

HOUSE BILL 569 RE-REFERRED

On motion of Senator Brooks and by unanimous consent, H.B. 569 was withdrawn from the Committee on Jurisprudence and re-referred to the Committee on Human Resources.

HOUSE BILL 143 ON SECOND READING

Senator Adams asked unanimous consent to suspend the regular order of business and take up H.B. 143 for consideration at this time.

There was objection.

Senator Adams then moved to suspend the regular order of business and take up H.B. 143 for consideration at this time.

The motion prevailed by the following vote: Yeas 27, Nays 3.

Yeas: Adams, Aikin, Andujar, Blanchard, Braecklein, Brooks, Clower, Creighton, Gammage, Harrington, Harris, Herring, Hightower, Kothmann, Longoria, Mauzy, McKnight, Meier, Mengden, Moore, Ogg, Patman, Santiesteban, Schwartz, Sherman, Snelson and Wolff.

Nays: Jones, McKinnon and Traeger.

Absent-excused: Wallace.

The President laid before the Senate on its second reading and passage to engrossment:

H.B. 143, A bill to be entitled An Act relating to mandatory coverage for first party medical payments, disability benefits, and accidental death benefits under a policy of automobile liability insurance; etc.; and declaring an emergency.

The bill was read second time.

Senator Adams offered the following Committee Amendment to the bill:

Amend H.B. 143 by striking out all of subparagraph (f) of Section 1 of H.B. 143 and substituting in lieu thereof the following:

"(f) The State Board of Insurance is hereby authorized to prescribe the form, or forms, of insurance policies, including riders and endorsements, to provide the coverage described in this article. The Board shall also prescribe the premium rates under the provisions of this Subchapter A, Chapter 5, Texas Insurance Code. Provided, however, the foregoing provisions relative to forms and rates shall apply only to coverage written to comply with this article; such provisions shall not apply to other accident or health policies even though they promise indemnity against automobile-connected injuries. Provided further, County Mutual Insurance Companies shall not be subject to the rate making authority herein conferred on the board."

The Committee Amendment was read and was adopted.

RECORD OF VOTE

Senator Jones asked to be recorded as voting "Nay" on the adoption of the Committee Amendment.

Senator Adams offered the following Committee Amendment to the bill:

Amend H.B. 143 by adding a sentence to Article 5.06-3(b) of Section 1 of H.B. 143 which shall be and read as follows:

"The personal injury protection in this paragraph specified shall not

exceed \$2,500.00 for all benefits, in the aggregate, for each person."

The Committee Amendment was read and was adopted.

Senator Jones offered the following amendment to the bill:

Amend H.B. 143 as follows: add at the end of subdivision (a) of Section

1

"An initial rejection by an insured shall serve as rejection for renewals of the coverage in the same company."

The amendment was read.

Senator Adams moved to table the amendment.

Question on the motion to table, "Yeas" and "Nays" were demanded.

The motion to table prevailed by the following vote: Yeas 23, Nays 6.

Yeas: Adams, Aikin, Blanchard, Braecklein, Brooks, Clower, Creighton, Gammage, Harrington, Herring, Hightower, Kothmann, Longoria, Mauzy, McKnight, Meier, Mengden, Ogg, Patman, Santiesteban, Schwartz, Sherman and Wolff.

Nays: Andujar, Harris, Jones, McKinnon, Snelson and Traeger.

Absent: Moore.

Absent-excused: Wallace.

The bill as amended was passed to third reading.

RECORD OF VOTE

Senator Jones asked to be recorded as voting "Nay" on the passage of the bill to third reading.

HOUSE BILL 143 ON THIRD READING

Senator Adams moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that H.B. 143 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 26, Nays 4.

Yeas: Adams, Aikin, Blanchard, Braecklein, Brooks, Clower, Creighton, Gammage, Harrington, Herring, Hightower, Kothmann, Longoria, Mauzy, McKinnon, McKnight, Meier, Mengden, Moore, Ogg, Patman, Santiesteban, Schwartz, Sherman, Snelson and Wolff.

Nays: Andujar, Harris, Jones and Traeger.

Absent-excused: Wallace.

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

RECORD OF VOTES

Senators Jones and Blanchard asked to be recorded as voting "Nay" on the final passage of the bill.

MESSAGE FROM GOVERNOR

The following Message from the Governor was read and filed with the Secretary of the Senate:

Austin, Texas
April 10, 1973

TO THE MEMBERS OF THE SIXTY-THIRD LEGISLATURE, REGULAR SESSION:

Pursuant to the provisions of Section 5 of Article III of the Constitution to the State of Texas, I herewith submit as an emergency matter the following:

S.B. 485 and the companion H.B. 828 providing in addition to its existing appropriation, the sum of \$401,975.00 to pay the additional cost of fuel to provide utilities to the educational and general facilities of Texas A and M University for the fiscal year ending August 31, 1973.

Respectfully submitted,
DOLPH BRISCOE
Governor of Texas

CONFERENCE COMMITTEE ON HOUSE BILL 10

Senator Brooks called from the President's table for consideration at this time, the request of the House for a Conference Committee to adjust the differences between the two Houses on H.B. 10 and moved that the request be granted.

The motion prevailed.

SENATE BILL 614 ON THIRD READING

Senator Patman asked unanimous consent to suspend the regular order of business and take up S.B. 614 for consideration at this time.

There was objection.

Senator Patman then moved to suspend the regular order of business and take up S.B. 614 for consideration at this time.

The motion prevailed by the following vote: Yeas 25, Nays 5.

Yeas: Adams, Braecklein, Brooks, Clower, Creighton, Gammage, Harrington, Herring, Hightower, Jones, Kothmann, Longoria, Mauzy, McKinnon, McKnight, Meier, Mengden, Moore, Ogg, Patman, Santiesteban, Sherman, Snelson, Traeger and Wolff.

Nays: Aikin, Andujar, Blanchard, Harris and Schwartz.

Absent-excused: Wallace.

The President laid before the Senate on its third reading and final

passage:

S.B. 614, A bill to be entitled An Act amending Title I of the Family Code as follows: amending Section 1.32, Chapter 1, Subchapter B, relating to the content of the physician's statement; adding Section 1.38 relating to the granting of authority to the State Board of Health to require a serological test for rubella under certain conditions; and declaring an emergency.

The bill was read third time and was passed by the following vote: Yeas 21, Nays 9.

Yeas: Adams, Braecklein, Brooks, Clower, Gammage, Harrington, Herring, Hightower, Jones, Kothmann, Mauzy, McKnight, Meier, Mengden, Ogg, Patman, Santiesteban, Sherman, Snelson, Traeger and Wolff.

Nays: Aikin, Andujar, Blanchard, Creighton, Harris, Longoria, McKinnon, Moore and Schwartz.

Absent-excused: Wallace.

SENATE BILL 36 LAID ON TABLE

On motion of Senator Mauzy and by unanimous consent, S.B. 36 was Laid on Table.

NOTICES OF INTENT

The following Notices of Intent were filed with the Secretary of the Senate:

Wednesday, April 11, 1973

C.S.S.B. 33 - Senator Longoria
S.B. 123 - Senator Gammage
C.S.S.B. 252 - Senator Gammage
S.B. 253 - Senator Moore
C.S.S.B. 388 - Senator Herring
S.B. 593 - Senator Mauzy
C.S.S.B. 701 - Senator Meier
S.B. 854 - Senator Snelson
S.B. 867 - Senator Herring
S.J.R. 19 - Senator Sherman
S.J.R. 29 - Senator Traeger
S.C.R. 69 - Senator Herring
S.C.R. 74 - Senator Herring
H.B. 120 - Senator Gammage
H.B. 147 - Senator Gammage

CONGRATULATORY RESOLUTIONS

S.R. 526 - By Senator Adams: Extending congratulations to Miss Patricia Wilson.

S.R. 527 - By Senator Adams: Extending congratulations to Ben May and Webb Jenkins.

S.R. 528 - By Senator Adams: Extending congratulations to Gary Michael Bates.

S.R. 529 - By Senator Meier: Extending congratulations to Mary Bradley.

S.R. 530 - By Senator Clower: Extending congratulations to students from Navarro County Junior College.

S.R. 531 - By Senator Hightower: Extending congratulations to William D. Wittliff.

S.R. 532 - By Senator Adams: Extending congratulations to Miss Yalanda Jones.

ADJOURNMENT

On motion of Senator Aikin the Senate at 11:28 o'clock a.m. adjourned until 10:30 o'clock a.m. tomorrow.

APPENDIX

Sent to Governor

April 10, 1973

S.B. 332
S.B. 229
S.B. 459
S.B. 228
S.B. 479
S.B. 222
S.B. 242

FIFTY-THIRD DAY (Wednesday, April 11, 1973)

The Senate met at 10:30 o'clock a.m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present: Adams, Aikin, Andujar, Blanchard, Braecklein, Brooks, Clower, Creighton, Gammage, Harrington, Harris, Herring, Hightower, Jones, Kothmann, Longoria, Mauzy, McKinnon, McKnight, Meier, Mengden, Moore, Ogg, Patman, Santicsteban, Schwartz, Sherman, Snelson, Traeger and Wolff.

Absent-excused: Wallace.

A quorum was announced present.

The Very Reverend Lawrence J. Brown, Dean of the Episcopal Theological Seminary of the Southwest, Austin, Texas, offered the invocation as follows:

Almighty God, our heavenly Father, whose will it is that our people be well governed, in freedom, in safety, and with honor, look graciously, we beseech Thee, upon the Senate of this State, that its members be inspired to do that which is just and right; give them wisdom and judgment to enact only those things